

WILLIAM SIMMONS.

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JANUARY 27, 1904.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 5868.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5868) granting an increase of pension to William Simmons, submit the following report:

This bill proposes to increase the pension of the soldier named therein from \$12 to \$70 per month.

Mr. Simmons, now 72 years of age, served as a private in Company A, Fifty-second Pennsylvania Infantry, from September 16, 1861, to June 15, 1865, when honorably discharged, and as second lieutenant Company F, One hundred and fourth United States Colored Troops, from June 15, 1865, to February 5, 1866, when honorably discharged.

Medical records of the War Department show that he was under treatment in March and April, 1863, for chronic rheumatism, and he is now pensioned under the general law on account of this disease at \$12 per month.

A claim for increase of pension was rejected on December 8, 1903, upon the ground that the disability of accepted service origin did not warrant a higher rating.

A claim filed in October, 1883, and based upon a gunshot wound of the right thigh alleged to have been incurred in action at Fort Wagner, S. C., in August, 1863, was rejected on July 1, 1892, upon the ground of no record of the existence of said wound and claimant's inability to furnish satisfactory evidence showing that the same was incurred in service and line of duty.

The claim on account of the gunshot wound was specially examined, and the special examiner took the depositions of the surgeon of the regiment, of the captain, lieutenant, and a large number of comrades of the soldier's company, but in every instance they stated that they had no knowledge whatever that the beneficiary received a gunshot wound as alleged by him; and two comrades who testified *ex parte*

relative to the incurrence of the wound testified that they had no personal knowledge whatever of its incurrence.

The rejection of that part of the claim was unquestionably proper.

When last examined, on August 26, 1903, before the board of surgeons at Beaufort, S. C., the board of surgeons found crepitus upon enforced motion of the shoulder; lameness, stiffness, and thickening of the fibrous structures in the joints, and enlargement of the heads of articulating bones and limitation of motion equal to one-fourth; that the right thigh was 1 inch larger in circumference than the left, and rated him \$8 for that condition; and also found a slight deafness of the left ear, for which rated \$6; also general debility, due to age and rheumatism, for which rated \$8, but found no disease of heart.

An increase of this officer's pension to \$20 per month is justified in view of his faithful service of over four years and the fact that the disability of accepted service origin is such as to warrant such a rating.

The passage of the bill is therefore recommended when the same shall have been amended as follows:

In line 8 strike out the word "seventy" and insert in lieu thereof the word "twenty."

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